

1 An employee will be eligible for all considerations of military leave in accordance with State
2 Board of Education policy, ~~and~~ the federal Uniformed Services Employment and Reemployment
3 Rights Act (USERRA), **and Article 16 of Chapter 127A of the North Carolina General Statutes.**
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5 Employees are encouraged to schedule short periods of required active duty during vacation
6 periods so as not to interfere with regular duties of the individual's employment.
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8 **A. NOTICE AND DOCUMENTATION REQUIREMENTS**

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- 10 1. ~~If an employee is going to be absent due to military obligations, the employee~~
11 **Employees** must provide to the superintendent advance written or oral notice **of**
12 **any absences due to military obligations**, except in cases of emergency
13 assignment or other conditions that make notice impossible or unreasonable.
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- 15 2. For leave periods exceeding 30 days, the employee must also either provide
16 written documentation evidencing performance of military duty or identify the
17 military command in order for the school system to verify the request.
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19 **B. SHORT-TERM MILITARY LEAVE WITH PAY**

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- 21 1. In accordance with State Board of Education policy, an employee **who is a**
22 **member of a reserve component of the U.S. Armed Forces** may take up to 15
23 workdays of paid military leave **for active duty training** per federal fiscal year,
24 which runs from October 1 through September 30. **Members of the National**
25 **Guard may take additional paid leave beyond these 15 days for special state**
26 **activities when so authorized by the governor.**
27
- 28 2. After an employee has used all of his or her paid military leave, the employee
29 may choose to use any accumulated vacation leave, bonus leave, or comp time
30 during the period of military service; however, no employee will be forced to use
31 such paid leave during military service.
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33 **C. UNPAID MILITARY LEAVE FOR EXTENDED ACTIVE DUTY**

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- 35 1. Employees may take extended leaves of absence for state or federal military duty
36 under honorable services status, for required training, or for special emergency
37 management **in accordance with state and federal law and State Board policy.**
38 **Such leave is unpaid, except as described in paragraph C.2, below. The employee**
39 **may use any available eligible paid leave prior to going on unpaid leave.**
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- 41 2. During ~~these periods of~~ extended military leaves, which must not exceed five
42 years **cumulatively** plus any period of additional service imposed by law, the
43 employee will be paid the difference in military base pay and state salary,
44 including non-performance-based bonuses, when the military pay is less than the

45 state salary. Differential pay will be paid from the same source of funds as the
46 employee's public school salary. An employee may not receive differential pay
47 while absent on any type of paid leave.
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49 **D. REINSTATEMENT FROM MILITARY LEAVE**

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- 51 1. If the individual ~~reapplies~~ **applies for reinstatement** following separation from
52 military duty, his or her reemployment **and related rights** ~~is~~ **are** governed by the
53 provisions of the USERRA **(for members of reserve components of the U.S.**
54 **Armed Forces, including members of the North Carolina National Guard**
55 **returning from active federal duty) or Article 16 of G.S. 127A (for members of**
56 **the North Carolina National Guard returning from active state duty).**
 - 57
 - 58 2. **Employees must meet all applicable state or federal deadlines for reporting back**
59 **to work or applying for reinstatement.**
 - 60
 - 61 3. Under certain circumstances, an employee may receive teaching experience credit
62 and retirement credit for service in the military, in accordance with State Board
63 regulations.
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65 **E. EXPLANATION OF BENEFITS**

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67 **When an employee is determined to be eligible for unpaid military leave under this**
68 **policy, the superintendent or designee shall provide the employee with an explanation of**
69 **his or her rights and benefits, including those related to leave, salary increases, medical**
70 **insurance options, retirement status, the possibility of differential pay, and reinstatement**
71 **rights.**
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73 **F. COMPLIANCE WITH OTHER REQUIREMENTS**

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75 **The board will follow and apply all other applicable legal requirements when**
76 **administering military leave under this policy.**
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78 Legal References: Uniformed Services Employment and Reemployment Rights Act of 1994, 38
79 U.S.C. 4301 *et seq.*; G.S. 115C-47, -302.1(g), -302.1(g1); **127A art. 16**; 16 N.C.A.C. 6C .0406;
80 *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public
81 Instruction, current version), available at [http://www.ncpublicschools.org/district-](http://www.ncpublicschools.org/district-humanresources/key-information)
82 [humanresources/key-information](http://www.ncpublicschools.org/district-humanresources/key-information)
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84 Cross References: Leave (policy 7510)

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86 Adopted: March 7, 2016

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88 **Revised: [DATE]**